

### **REMARKS**

This Amendment and Response is filed in response to the final Office Action dated June 3, 2004. Initially, Applicant's attorney wishes to thank the Examiner for the careful attention given the present application. In addition, Applicant's attorney is appreciative of the courteous telephone interview extended by Examiner Nichols on July 19, 2004 in the instant application. The amendments made herein are made in accordance with the agreement reached during the telephone interview. Specifically, Applicant agreed to re-write allowed claim 36 in independent format to reflect claims indicated to be allowed in the previous Office action. Those claims include claims 37, 38, & 41-43 which were objected to because they depended from a rejected base claim. During the telephonic interview the Examiner confirmed that these claims would be allowed if re-written in independent format. Claim 36 has been amended to incorporate dependent claim 38, and newly presented independent claim combines previously presented claim 36 & 37, and removes the redundant step of "comparing". The issues discussed and agreed upon in the interview are fully reflected in the amendments to the claims presented herein and the remarks presented below.

Claims 36, 38 and 41-54 are pending in this application, while claims 1-7, 22-35, 38, 39 and 40 have been cancelled from current consideration without prejudice to presentation in a later filed application. Additionally, new claims 44-54 have been introduced to reflect the language discussed and agreed upon during the interview.

The drawings have been objected to because Figure 3 is not properly labeled. A new Fig. 3 is submitted herewith for the Examiner's review and consideration. Accordingly, this objection should be withdrawn.

In view of the remarks presented above, it is believed that pending claims 36, 37 and 41-54 are in condition for allowance and notice to such effect is respectfully requested. Although Applicant believes no fees, other than the extension of time fee, are due, the Commissioner is hereby authorized to charge deposit account No. 50-0436 for any fees that may be due in connection with this response. Should the Examiner have any questions regarding these remarks, the Examiner is invited to initiate a telephone conference with the undersigned.

**AUTHORIZATION**

The Commissioner is hereby authorized to charge any additional fees which may be required for this Amendment, or credit any overpayment, to deposit account no. 50-0436.

Respectfully submitted,

PEPPER HAMILTON LLP

A handwritten signature in black ink, appearing to read "R.A. Miller", written in a cursive style.

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